

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

August 23, 2004

At 9:34 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Sims, Associate Justice; Davis, Associate Justice; Nicholson, Associate Justice and Guzman, bailiff.

C044773 FRANCIS v. FRANCIS et al.

Cause called. Herman Franck argued for appellant. Robert M. Merritt argued for respondents. Cause submitted.

At 9:59 a.m., the court recessed. At 10:03 a.m., the court reconvened with Sims, Associate Justice; Raye, Associate Justice; and Hull, Associate Justice.

**C043687 EBBETTS PASS FOREST WATCH et al. v. DEPARTMENT OF FORESTRY
C043825 AND FIRE etc. and SIERRA PACIFIC INDUSTRIES**

Cause called. Thomas N. Lippe argued for appellants. Charles W. Getz, IV, Deputy Attorney General, argued for respondent. David Dun argued and Jay-Allen Eisen appeared only for real party in interest. Cause submitted.

At 10:40 a.m., the court recessed. At 2:06 p.m., the court reconvened with Davis, Associate Justice; Nicholson, Associate Justice; and Morrison, Associate Justice.

C044707 HODGE et al. v. FACCINTO et al.

Cause called. Mark Ellis argued and Andrew M. Steinheimer appeared only for appellants. William E. Johnson argued for respondents. Cause submitted.

C045912 STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY v. GRISHAM

Cause called. Alexander L. Constantino argued for appellant. William D. McDowell argued for respondent. Cause submitted.

C042204 GOMES v. MONTGOMERY

Cause called. Gaspar R. Garcia, II argued for appellant. Kelly L. Lynch argued for respondent. Cause submitted.

At 3:19 p.m., the court recessed. At 3:25 p.m., the court reconvened with Davis, Associate Justice; Raye, Associate Justice; and Morrison, Associate Justice.

**C045502 SINAIKO v. THE SUPERIOR COURT OF SACRAMENTO COUNTY and
MEDICAL BOARD OF CALIFORNIA**

Cause called. Dennis P. Riordan argued and Dylan L. Schaffer appeared only for petitioner. Russell W. Lee, Deputy Attorney General, argued for real party in interest. Cause submitted.

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August 23, 2004, continued

At 4:04 a.m., the court recessed until 9:30 a.m., Monday, September 17, 2004.

C045529 THE PEOPLE v. MATHEWS (Not for Publication)

The judgment is affirmed.

NICHOLSON, J.

We concur: Sims, Acting P.J.
 Robie, J.

C041651 In re BRANDON J.; THE PEOPLE v. BRANDON J. (Not for Publication)

The judgment (order committing the minor to CYA) is affirmed.

RAYE, J.

We concur: Scotland, P.J.
 Sims, J.

August 24, 2004

C041800 THE PEOPLE v. PRASAD (Not for Publication)

The judgment is affirmed.

MORRISON, J.

We concur: Sims, Acting P.J.
 Hull, J.

C044081 THE PEOPLE v. CATES (Not for Publication)

The judgment is affirmed.

MORRISON, J.

We concur: Scotland, P.J.
 Sims, J.

C045611 THE PEOPLE v. LOVE (Not for Publication)

The judgment is affirmed.

Scotland, P.J.

We concur: Blease, J.
 Davis, J.

C046068 THE PEOPLE v. MORAN (Not for Publication)

The judgment is modified..., and affirmed as modified.

MORRISON, J.

We concur: Blease, Acting P.J.
 Robie, J.

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August 24, 2004, continued

- C046186 THE PEOPLE v. GREEN, JR. (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We concur: Blease, Acting P.J.
 Robie, J.
- C042729 WOLFE, JR. v. COUNTY OF SACRAMENTO et al. (Not for Publication)**
The judgment is affirmed. The parties shall bear their own costs on appeal. (Rule 27 (a) (4), Cal. Rules of Court.)
MORRISON, J.
We concur: Scotland, P.J.
 Sims, J.
- C044300 WOLFE, JR. v. MAHLE (Not for Publication)**
The judgment is affirmed.
HULL, J.
We concur: Davis, Acting P.J.
 Robie, J.
- C044717 BEISSBARTH USA, INC. v. MCGINNIS (Not for Publication)**
The order granting defendant's motion to set aside the judgment on the sister state judgment is reversed and the matter is remanded to the trial court for entry of a new order denying the motion. Plaintiff is awarded costs on appeal.
HULL, J.
We concur: Blease, Acting P.J.
 Robie, J.
- C045021 SHARP CORONADO HOSPITAL et al. v. BONTA'. As Director, etc. (Not for Publication)**
The judgment is affirmed. Sharp Coronado Hospital and Sharp Chula Vista Hospital are awarded their costs on appeal. (Cal, Rules of Court, rule 27(a) (1).)
BLEASE, Acting P.J.
We concur: Morrison, J.
 Butz, J.

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August 24, 2004, continued

- C044308 In re TERRANCE M.; THE PEOPLE v. TERRANCE M.**
(Not for Publication)
The judgment (order committing the minor to California Youth Authority) is affirmed.
SIMS, J.
We concur: Scotland, P.J.
Raye, J.
- C045121 In re CORBIN L.; YUBA COUNTY DEPARTMENT OF CHILD PROTECTIVE SERVICES v. JOSEPH B.**
(Not for Publication)
The orders are affirmed.
BLEASE, Acting P.J.
We concur: Davis, J.
Raye, J.
- C042869 THE PEOPLE v. JONES**
BY THE COURT:
Appellant's petition for rehearing is denied.
Scotland, P.J.
- C044420 ACE AMERICAN INSURANCE COMPANY v. WALKER, A Minor, etc.**
(CERTIFIED FOR PUBLICATION)
BY THE COURT:
The opinion in the above entitled matter filed July 27, 2004 was not certified for publication in the advance sheets and official reports.
For good cause it now appears that the opinion should be published and accordingly, it is ordered that the opinion be published in the advance sheets and official reports.
FOR THE COURT:
BLEASE, Acting P.J.
RAYE, J.
MORRISON, J.

August 25, 2004

- C042832 COLLINS et al. v. STATE OF CALIFORNIA et al.**
(Certified for Publication)
The judgment (order of recusal) is reversed. The Collinses shall recover costs on appeal. (Cal. Rules of Court, rule 27(a).)
ROBIE, J.
We concur: Blease, Acting P.J.
Hull, J.

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August 25, 2004, continued

C043920 THE PEOPLE v. FENNEN

BY THE COURT:

Appellant's petition for rehearing is granted. The decision filed on July 28, 2004, is vacated. Appellant's supplemental reply brief is to be served and filed on or before September 8, 2004.

NICHOLSON, Acting P.J.

**C045021 SHARP CORONADO HOSPITAL et al. v. BONTA', as Director, etc.
(Not for Publication)**

BY THE COURT:

The opinion of this court filed August 24, 2004, in the above entitled case is modified...

...This modification effects a change in the judgment.

FOR THE COURT:

BLEASE, Acting P.J.

We concur: Morrison, J.

C045360 THE PEOPLE v. BOGGESE

BY THE COURT:

Appellant's petition for rehearing is granted. The decision filed on August 11, 2004, is vacated. Appellant's supplemental opening brief is to be served and filed on or before September 24, 2004. Respondent's supplemental brief is to be served and filed within 20 days after the filing of appellant's brief.

SCOTLAND, P.J.

August 26, 2004

C040020 THE PEOPLE v. WINN (Not for Publication)

The judgment is affirmed.

DAVIS, J.

We concur: Sims, Acting P.J.

Nicholson, J.

C041846 THE PEOPLE v. BLACKBURN (Not for Publication)

The judgment is affirmed.

SCOTLAND, P.J.

We concur: Nicholson, J.

Morrison, J.

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MORRISON, J.